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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/961,345

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Tetsuo Nakata

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07/27/2005

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/961,345

Applicant(s)

NAKATA ET AL.

Examiner

James S. McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Amendment*

1. Applicant's submittal of an amendment was entered on April 15, 2005, wherein:  
claims 1-50 are pending and  
claims 1-3, 5, 6, 8-12, 14-36, 38, 39, 41-45, 47, 48, and 50 have been amended.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-9, and 11-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0107820 (hereinafter "Huxter") in view of U.S. Patent Application No. US 2002/0072945 (hereinafter "Yang").

Regarding **claim 1**, Huxter discloses a method for processing physical distribution information, said method comprising the steps of: receiving and registering schedule information regarding a form of receiving of a package addressed to a member from the member (see page 5, paragraph #106); when a shipment request is received from a sender of a package, determining a delivery form with reference to at least the receiver's schedule information registered in said receiving and registering step when said receiver is a member (see page 5, paragraph #116); and when said delivery form determined in said determining step involves a movement of said

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package, generating delivery request information for a distributor in accordance with said delivery form (see page 5, paragraph #116); **[claim 2]** when said delivery form determined in said determining step involves a movement of the package, registering scheduled delivery information in said receiver's schedule information (see page 5, paragraph #116); **[claim 3]** sending said distributor information regarding said delivery form determined in said determining step before starting to deliver said package (see page 5, paragraph #11); **[claim 4]** receiving a delivery completion notice including receiving status data from said distributor (see page 2, paragraph #17); **[claim 7]** receiving and registering information regarding a fixed delivery charge from said distributor after said package is received by said distributor (see page 15, paragraphs #245-246); **[claim 8]** there is a case where said delivery form is determined as undeliverable in said determining step (see page 16, paragraph #256); **[claim 9]** including information regarding a determined as undeliverable in said sending said sender a deliverable date when said delivery determining step (it is inherent that the e-tailer will be notified when a package is undeliverable); **[claim 11]** said generating step, when said delivery form is determined as forwarding or keeping in said determining step, delivery request information addressed to said distributor is generated by using forwarding. destination information or keeping place information registered for said receiver in advance (see page 16, paragraph #255); **[claim 12]** receiving and registering information of specified member from said member, and wherein, in said determining step, when said receiver is not available for receiving and said specified member is registered for said receiver, said schedule information for said specified member is referenced (see page 16, paragraph #255); **[claim 13]** when a delivery request to a non-member is received from a sender of a package, registering information of said non-member

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included in said delivery request as provisional member information; sending a member registration request to said non-member; and sending information registered as said provisional member information to said non-member when membership registration is requested from said nonmember (see page 7, paragraph #148); **[claim 14]** wherein in said receiving and registering step, schedule information regarding a form of receiving said package addressed to said member is received as a predetermined template selection instruction from said member (see page 5, paragraph #106); **[claim 15]** wherein said determining step comprises a step of sending a schedule input request to said receiver when said receiver's schedule information indicates it is not fixed (see page 16, paragraph #255); and **[claim 16]** wherein said determining step comprises a step of sending said sender a notice indicating scheduling in progress (see page 5, paragraph 106).

Regarding **claim 17**, Huxter discloses A method for processing physical distribution request, said method comprising the steps of: sending a central server (1000) a delivery request of a package, said delivery request specifying at least a receiver (400); and receiving a result notice of delivery scheduling including a case where it is indicated that said package is undeliverable, from said central server before starting to deliver said package (see page 16, paragraphs #255-256).

Huxter discloses a program, apparatus, and method as set forth in **claims 18-50**. Claims 18-50 are similar to previously addressed claims 1-4, 7-9, and 11-16.

Regarding claims 1, 17, 18, 34, and 50, Huxter fails to disclose the schedule information comprising at least one of the forms of receiving the package addressed to the member for each of a plurality of days within a predetermined period.

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Yang teaches method of package delivery and pickup including schedule information comprising at least one of the forms of receiving the package addressed to the member for each of a plurality of days within a predetermined period (see page 4, paragraphs 0060-0062).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter with schedule information related to a plurality of days as taught by Yang, because delivering items when the receiver is likely available to accept the items increases the efficiency of the delivery service, wherein decreasing the expense related to unsuccessful delivery attempts.

4. Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huxter in view of Yang as applied to claims 1 and 4 above, and further in view of U.S. Patent Application No. US 2002/0126813 (hereinafter "Partovi").

The combination of Huxter and Yang disclose all claimed elements as set forth above in paragraphs 3-4, but fail to explicitly disclose the use of giving the customer a reward for correct registration.

Partovi teaches the use of providing a reward for registering (see paragraph [0060]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter/Yang with a registration reward as taught by Partovi, because rewarding customers increases the likelihood that customers will do events desired by businesses.

#### ***Response to Arguments***

5. Applicant's arguments filed April 15, 2005 have been fully considered but they are not persuasive.

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On page 14, first full paragraph, Applicant argues that Yang fails to disclose receiving and registering schedule information for a customer member. The Examiner respectfully disagrees. Yang (see paragraphs 0060 and 0062) teaches the use of a customer inputting schedule information.

On page 14, final paragraph, Applicant argues the present invention allows a customer member to “pre-register” his availability status. However, Applicant is arguing limitations not found in the claims. The claims do not require “pre”-registering as argued by Applicant.

On page 15, first full paragraph, Applicant states that Yang teaches away from the present invention. The Examiner is unaware of support provided by Applicant to support the allegation that Yang teaches away from the present invention. It is the Examiner’s position that Yang correctly teaches the claimed limitations as set forth above in paragraphs 3-4.

On page 15, fourth full paragraph, Applicant argues that newly amended claims 5, 6, and 10 are patentable over previous art rejection. Applicant’s argument is moot in view of the new ground of rejection necessitated by Applicant’s amendment.

On page 15, sixth full paragraph (also argued on page 16, first full paragraph), Applicant argues that Huxter fails to disclose the limitations of amended claim 9. Yang is relied upon to disclose scheduling information (see paragraph 0060 and 0062).

On page 15, seventh full paragraph, Applicant argues that Huxter fails to disclose the limitations of amended claim 11. The Examiner respectfully disagrees. In paragraph 0255, Huxter discloses processing forwarding packages.

On page 16, second full paragraph, Applicant argues that Huxter fails to disclose a template for inputting schedule information. Both Huxter and Yang disclose inputting schedule

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information, wherein the information is necessarily in a format that is recognizable by the sender. Therefore, both Huxter and Yang utilize a template for sending schedule information received by the sender.

On page 16, third paragraph, Applicant argues that Huxter fails to disclose the limitations of amended claim 15. Again, Huxter discloses delivery to an alternative site in paragraph 0255 an the customer is contacted if an alternative site is unavailable.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

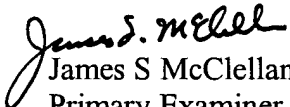
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James S McClellan  
Primary Examiner  
Art Unit 3627

jsm  
June 23, 2005